

REMARKS

Applicants reply to the Office Action dated June 16, 2010 within three months. Claims 1-4, 6-11, and 13-22 are pending in the application and the Examiner rejects claims 1-4, 6-11, and 13-22. Support for the amendments may be found in the originally-filed specification. No new matter is entered with these amendments. Applicants respectfully request reconsideration of this application.

Rejections under 35 U.S.C § 112

The Examiner rejects claims 1-4 and 6-20 under 35 U.S.C. § 112 first paragraph, as failing to comply with the written description requirement. Applicants respectfully disagree. However, to expedite prosecution, Applicants amend independent claim 1. As such, the various rejections under 35 U.S.C. 132(a) are now moot and reconsideration of the pending claims is requested.

Rejections under 35 U.S.C § 103

The Examiner rejects claims 1-4 and 6-20 under 35 U.S.C. § 103(a), as being unpatentable over Macfarlane et al., U.S. Patent No. 6,125,354, (“Macfarlane”), in view of Peterson et al., U.S. Patent No. 7,020,628 (“Peterson”). Applicants respectfully disagree with these rejections, but Applicants present claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

Macfarlane generally teaches “a method and system for automatically adjusting charges billed to an organization by a service provider, so as to create an invoice of rebill charges,” (abstract). Specifically, Macfarlane teaches that the “user of the present invention may perform the rebilling procedure on any element in the organizational hierarchy 102,” (col. 4, lines 9-11.) Macfarlane also discloses “these miscellaneous charges may represent charges that the organization desires to allocate or assign to a particular element or hierarchical level of the organization,” (col. 6, lines 57-59). Also, the system of Macfarlane includes “input fields for the acceptance of limiting parameters (to be used to restrict the rebilling procedure by adding more constants to the equation), (col. 4 lines 26-28, emphasis added). However, the system of Macfarlane is silent to and thus does not disclose or contemplate “receiving value driver data

associated with the group, wherein value drivers are the criteria used by the entity to determine if the entity is successful” as recited by independent claim 1 (emphasis added) and as similarly recited by independent claims 21 and 22.

The Examiner states at pages 8 and 9 that “In particular the applicant argues that a) receiving, by the computer based system, value driver data (re-price parameters/miscellaneous charge) associated with the group... MacFarland teaches applying re-price parameters for a division within an organization (Fig. 1). Applying miscellaneous charges for a user (fig. 5). The re-price parameters are selected by the customer in connection with the rebilling procedure. If the check box is filled or activated, then the billed charges are re-billed to the desired elements of the organization.” However, re-price parameters/miscellaneous charge are not analogous to, nor do they disclose or contemplate “criteria used by the entity to determine if the entity is successful” as recited by independent claim 1 (emphasis added) and as similarly recited by independent claims 21 and 22.

Moreover, as explained in ¶ [0041] of the specification, each of the various jobs performed by the computing provider are assigned unique identifiers, which are not otherwise used by the computing provider. These unique identifiers allow an entity to determine which groups and corresponding subgroups are using technology resources to perform particular tasks which utilize the jobs performed by the providers, and may allow adjusting of the technology consumption appropriately. In contrast to the teachings of MacFarlane, the unique identifiers do not identify the user of the technology resources, but rather identify the job and hence the task the technology resource was used to accomplish. The claims disclose “receiving, by a computer based system for allocating billing, data corresponding to usage of a technology resource by a group, internal structure within an entity, wherein the usage is assigned a unique task identifier, and wherein the group is assigned a distinct group identifier,” “receiving descriptive data corresponding to the unique task identifier,” and “receiving value driver data associated with the group,” as recited by independent claim 1 (emphasis added) and as similarly recited by independent claims 21 and 22. **Thus, the present application provides a benefit that MacFarlane cannot, namely, the ability to identify both the group and particular job that correspond to a consumption of technology resources.**

Furthermore, nothing has been found in Peterson that is believed to remedy the above-mentioned deficiencies of MacFarlane. Peterson generally relates to a method for tracking

remote computer access and associated costs. Apparently, using the system of Peterson, an authorized user to a computer network is required to exchange credentials with a host server, triggering a starting timestamp. An ending time stamp is triggered when the user hangs up or otherwise disconnects from the network. Thus, while Peterson discloses monitoring costs associated with computer access, it is not understood to disclose or contemplate “receiving value driver data associated with the group, wherein value drivers are the criteria used by the entity to determine if the entity is successful,” as recited by independent claim 1 (emphasis added) and as similarly recited by independent claims 21 and 22.

Thus, the cited references alone or in combination do not disclose or contemplate “receiving value driver data associated with the group, wherein value drivers are the criteria used by the entity to determine if the entity is successful” as recited by independent claim 1 (emphasis added) and as similarly recited by independent claims 21 and 22.

Dependent claims 2-4, 6-11, and 13-20 depend from independent claim 1. Therefore, Applicants assert that dependent claims 2-4, 6-11, and 13-20 are patentable for at least the same reasons stated above for differentiating independent claim 1, as well as in view of their own respective features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 2-4, 6-11, and 13-20.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims or the specification, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

The claims of the present application are different and possibly broader than the claims pursued in the parent or related applications. To the extent any amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicants hereby rescind and retract such disclaimer. Accordingly, the references construed in the parent or related applications may need to be revisited.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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By: 

Todd P. Komaromy
Reg. No. 64,680

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6321
Fax: 602-382-6070
Email: tkomaromy@swlaw.com